



BURR RIDGE SUBDIVISION ORDINANCE

SECTION VI SUBDIVISION COMPLETION AGREEMENT AND LETTER OF CREDIT

A. Authorization to Begin Construction of the Approved Subdivision Improvements

All subdivision improvements shall comply with the Subdivision Ordinance, the Subdivision Improvement Agreement, and all sections of the Burr Ridge Municipal Code. The developer shall be authorized to begin construction of the approved subdivision improvements upon completion of the following. (Amended by Ordinance A-894-03-08)

1. Provision of Letter of Credit and Recording of Final Plat

After approval by the Board of Trustees, the letter of credit and the signed final plat of subdivision shall be submitted to the Community Development Director. The Community Development Director shall proceed with recording of the final plat and the signed Subdivision Completion Agreement.

2. Installation of Soil Erosion Control and Tree Protection Fencing

Upon recording of the final plat of subdivision the developer shall proceed with installation of soil erosion control and tree protection fencing. Prior to proceeding with other subdivision improvements, the developer shall request an inspection of the soil erosion control and tree protection fencing. Upon written approval of the soil erosion control and tree protection by the Village Engineer and Village Forester, the developer shall be authorized to begin construction of the subdivision improvements.

B. Two-Year Subdivision Improvement Period

1. **Compliance with Subdivision Design Standards:** As a condition subsequent to the Village's approval of the final plat of subdivision, the developer shall, within two (2) years from the date of approval of the final plat of subdivision, construct and pay for the subdivision improvements required herein.

2. **Inspection of Subdivision Improvements:** During construction of the subdivision improvements, the Village Engineer shall conduct inspections of the subdivision improvements at the following prescribed stages of construction and all other such times as may be determined appropriate. At any time that the Village Engineer determines that construction is not in compliance with the standards and procedures established herein, the Village Engineer shall have the authority to order all work to be stopped until such time that the work is brought into compliance with this Ordinance.

a. **Tree Preservation, Safety and Erosion Control:** Prior to beginning any grading or other construction, the developer shall install and complete all tree preservation, safety and erosion control improvements and shall request an inspection of said improvements. These improvements shall be maintained throughout the construction process as determined appropriate by the Village Engineer and will be checked at every additional inspection. Construction work may not proceed unless the work completed is found to be satisfactory by the Village Engineer. These inspections shall verify compliance with approved plans and compliance



with standards set forth herein including but not limited to the following:

- i. Review all operating procedures to assure that activities are performed in a safe manner. (Amended by Ordinance A-894-03-08)
 - ii. When work is conducted in the presence of traffic, review traffic control and impacts to the traveling public, both vehicular and pedestrian. (Amended by Ordinance A-894-03-08)
 - iii. Review erosion control to ensure all erosion control measures are functioning properly.
 - iv. Ensure tree protection is in place and functioning properly.
 - v. Erosion control shall meet the requirements of this Ordinance, including, but not limited to those in Section VIII, M. hereof and shall be installed and properly maintained continuously during the development of the subdivision. If in the judgment of the Village Engineer the Owner or Subdivider has failed to meet any of the erosion and sedimentation control requirements of this Ordinance, the Village Engineer shall give notice in writing to the Owner or Subdivider of such failure with a directive to correct the failure. If the Owner or Subdivider does not correct the deficiency within 5 days of such notice, the Mayor and Village Engineer are authorized to complete a draw on the letter of credit for the costs of such work as may be deemed necessary by the Village Engineer to ensure proper erosion and sedimentation control under this Ordinance. (Added by Ordinance (A-894-03-08))
- b. Utility Installation (water, sanitary, storm): Prior to installation of any utility pipes and prior to chlorinating and pressure testing, inspections are required to verify compliance with approved plans and compliance with standards set forth herein including but not limited to the following:
- i. Verify size, type, length, and location of pipe and structures.
 - ii. Inspect all material for any damage or defects.
 - iii. Check trench for proper width and sheeting. (Amended by Ordinance A-894-03-08)
 - iv. Ensure that joints and lift holes are sealed in accordance with specifications.
 - v. Ensure backfill is free of large rocks and debris and that backfill is placed in accordance with specifications. If required, enlist water and special compacting equipment.
 - vi. Check for proper installation of tracer wire and thrust blocking where required.
 - vii. Chlorinate and pressure test as required by IEPA for water mains. Village to supervise delivery of all samples to Village approved lab. Chlorination report to be delivered to the Village.
- c. Grading and Roadway Base Preparation: Prior to commencement of any roadway grading operation, prior to proof rolling of the roadway subgrade, and prior to installation of the granular base, inspections are required to verify



compliance with approved plans and compliance with standards set forth herein including but not limited to the following:

- i. Inspect clearing and grubbing limits and check requirements for disposal of debris.
 - ii. Monitor salvaging of topsoil to ensure proper drainage and erosion control.
 - iii. Verify roadway grade is true to cross-section and alignment.
 - iv. Check that roadway subgrade is free of ruts, large stones, and excess dust.
 - v. Proof roll roadway subgrade with a fully loaded six wheel vehicle and remove all unstable material.
 - vi. Check depth of granular base and observe for proper size, makeup, and compaction.
 - vii. Prior to commencing work, Owner or Subdivider shall provide a construction schedule detailing the timelines and phases of the grading and roadway work, subject to the review and approval of the Village Engineer. (Added by Ordinance A-894-03-08)
 - viii. Unless otherwise approved in writing by the Village Engineer, once the construction schedule is approved in writing by the Village Engineer and work on the approved plans is commenced, the Owner or Subdivider shall give the work the regular attention needed to make continuous progress and meet the construction schedule, until completion. If, in the judgment of the Village Engineer, work on the approved plans and under construction schedule has ceased for an undue period (not due to reasons beyond Owner/Subdivider control), the Village Engineer shall give notice in writing to the Owner or Subdivider of such failure with a directive to correct the failure. If the Owner or Subdivider does not comply with the directive within 10 days of such notice, the Mayor and Village Engineer are authorized to complete a draw on the letter of credit for the costs of such work as may be deemed necessary by the Village Engineer to ensure completion of the same in compliance with the approved grading and roadway plans. (Added by Ordinance A-894-03-08)
- d. Concrete Curb, Gutter, Sidewalk, and Paving: After setting sting line or form boards but prior to paving and prior to placement of concrete, an inspection is required to verify compliance with approved plans and compliance with standards set forth herein including but not limited to the following:
- i. Review contractor's equipment and forms for contract compliance and to assure plan dimensions.
 - ii. Check vertical and horizontal alignment.
 - iii. Inspect base for grade, compaction, and moisture.
 - iv. Check requirements for reinforcing steel, tie bars, expansion, contraction and control joints.
 - v. Ensure that proper drainage conditions are met.
 - vi. Supervise tests for compliance with specified slump and air content. Oversee preparation of test cylinders as required.



- (Amended by Ordinance A-894-03-08)
- vii. Collect concrete delivery tickets and check batch time.
 - viii. Inspect curing operations and if required, cold weather protection.
 - ix. Review finishing and backfilling procedures.
 - x. Prior to commencing work, Owner or Subdivider shall provide a construction schedule detailing the timelines and phases of the curb, gutter, sidewalk and paving work, subject to the review and approval of the Village Engineer. (Added by Ordinance A-894-03-08)
 - xi. Unless otherwise approved in writing by the Village Engineer, once the construction schedule is approved by the Village Engineer and work on the approved plans is commenced, the Owner or Subdivider shall give the work the regular attention needed to make continuous progress and meet the construction schedule, until completion. If, in the judgment of the Village Engineer, work on the approved plans and under the construction schedule has ceased for an undue period (not due to reasons beyond Owner/Subdivider's control), the Village Engineer shall give notice in writing to the Owner or Subdivider of such failure with a directive to correct the failure. If the Owner or Subdivider does not comply with the directive within 10 days of such notice, the Mayor and Village Engineer are authorized to complete a draw on the letter of credit for the costs of such work as may be deemed necessary by the Village Engineer to ensure completion of the same in compliance with the approved curb, gutter, sidewalk and paving plans. (Added by Ordinance A-894-03-08)
- e. Plant Mix Bituminous Paving: Prior to placement of bituminous material, an inspection is required to verify compliance with approved plans and compliance with standards set forth herein including but not limited to the following:
- i. Check equipment for specification compliance and monitor paving and rolling sequence.
 - ii. Check that existing surface is smooth, firmly compacted and correct to cross section, grade, and alignment. Existing bituminous and concrete bases are to be clean and free of loose material and tack coated.
 - iii. Check bituminous material temperature frequently and observe for proper size, coating, and segregation.
 - iv. Collect bituminous material delivery tickets.
 - v. Check that paver maintains correct line, grade, and cross slope for proper mat width and thickness.
 - vi. Check that construction joints are tight and flush with adjacent surfaces. Insure mat has a uniform appearance and is free of longitudinal seams.
 - vii. Check that rolling is as continuous as possible and at proper speed. Cease vibratory rolling when checking or cracking occurs, or at specified minimum temperature. Enlist cold roll to remove marks.
 - viii. Monitor density tests to ensure adequate compaction.
 - ix. Core pavement prior to placement of surface lift as required to check pavement thickness.
 - x. If requested by the Village Engineer, the developer or contractor must



Section V

Construction and Maintenance of Subdivision Improvements

provide a qualified materials specialist to test the density of the bituminous pavement and to review the rolling patterns. A field report will be issued to the Village Engineer following the testing activities. This work will be performed at the expense of the contractor or developer. (Added by Ordinance A-894-03-08)

- f. Landscaping and Restoration: Prior to placement of topsoil and landscaping materials, an inspection is required to verify compliance with approved plans and compliance with standards set forth herein including but not limited to the following:
 - i. Check that topsoil is free of clumps, rocks, roots, etc. and is suitably prepared.
 - ii. Check that landscape material including fertilizer, seed, plants, and trees meet plan requirements.
 - iii. Monitor final finishing including: removal of all litter and debris, repair of damaged areas, and cleaning of all drainage structures
- g. Site Maintenance: Owner or Subdivider are hereby required to maintain the subdivision property in a clean and workmanlike manner, consistent with the obligations under this Ordinance, and as detailed below, on an ongoing basis. Ongoing inspection of the subdivision site and area can include, but is not limited to the following:
 - i. Check that no construction debris, rubbish or garbage shall be left or stored in the open on the site, outside of a proper trash container or approved enclosure.
 - ii. Check that no spoils or soil from any other off-site location shall be brought to and stored on the subdivision property, unless approved by the Village Engineer. A location map delineating the proposed spoils area for soil, use area and/or waste area shall be submitted to the Village Engineer prior to any grading or excavation on the subdivision site. Any soil or excavation piles created from the subdivision site shall be allowed only for that time needed to facilitate the subdivision improvements and then shall be regraded or removed from the site.
 - iii. Check that vegetation is regularly mowed and maintained in a proper fashion during the subdivision improvement and maintenance periods.
 - iv. Check that all dirt or debris from any equipment or vehicles working on the site which is dropped or left on pavement or roadways adjacent to the subdivision site shall be cleaned at the end of each day's work on the subdivision site.
 - v. Prior to acceptance of the completed subdivision improvements, Owner or Subdivider shall clean the subdivision site of all rubbish, excess materials, temporary structures, equipment and all parts of the subdivision site shall be left in a neat and presentable condition. Owner or subdivider shall also clean all cement streaks or drippings, paint smears or drippings, rust stains, oil, grease, bituminous materials, dirt or any other foreign materials



deposited, left or which have accumulated on any roadway, sidewalk, curb, gutter, common area or lots or ground owned or controlled by owner or Subdivider.

- vi. If, in the judgment of the Village Engineer, the owner or Subdivider fail to comply with these requirements, the Village Engineer shall give notice in writing to the Owner or Subdivider of such failure with a directive to correct the failure. If the Owner or Subdivider does not comply with the directive within 10 days of such notice, the Mayor and Village Engineer are authorized to complete a draw on the letter of credit for the costs of such work as may be deemed necessary by the Village Engineer to ensure completion of the work in compliance with these requirements.

(Added by Ordinance A-894-03-08)

C. Acceptance of Subdivision Improvements

1. **Final Inspection of Subdivision Improvements:** Upon completion of the subdivision improvements and at least 30 days prior to expiration of the two-year improvement period, unless extended as described herein, the subdivider shall request final inspections of all subdivision improvements. The Community Development Director, Village Engineer and Village Forester shall inspect the subdivision improvements and provide the developer with written concurrence that the improvements have been completed or a list of work to be completed prior to acceptance of the improvements by the Board of Trustees. The developer shall cause all such work to be completed prior to the expiration of the improvement period or shall request an extension of the improvement period as per Section V.D, herein. Failure to act accordingly shall be cause for the Board of Trustees to draw on the letter of credit to complete said improvements as per Section VI of this Ordinance.
2. **Dedication of Subdivision Improvements**
 - a. All land improvements to be constructed and installed as required hereunder, as specified in the final engineering drawings, or as required by the Village Board shall be dedicated to the Village, unless the Village Board specifically authorized otherwise at the time that it approves the final plat.
 - b. Title to the improvements to be dedicated to the Village shall be transferred by bill of sale, with proof of ownership in the grantor and evidence that said improvements are free and clear of any and all liens and encumbrances, which shall be in a form acceptable to the Community Development Director and which may include lien waivers from all major subcontractors and material providers.
3. **Reduction of Letter of Credit:** Upon acceptance of the subdivision improvements by the Board of Trustees, the developer may request a reduction of the letter of credit as per Section VI of this Ordinance.
4. **Record Drawings of Subdivision Improvements.** Prior to acceptance of the subdivision improvements by the Board of Trustees, the subdivider shall submit a full set of mylar record drawings (a.k.a. as-builts), as well as an electronic copy of the record drawings (in ArcView or AutoCAD format) of all subdivision improvements for review and approval by the Village Engineer. The record drawings must include the following:



- a. Pavement centerline and curb elevations at 50' intervals.
- b. Indication of whether surface course has been constructed at the survey date.
- c. Pipe diameter, slope, upstream and downstream invert elevation. Cross out approved conditions and add as-builts conditions.
- d. Manhole, and Valve diameters, vault rim and invert elevations (t/p for watermain). Cross out approved conditions and add as-built conditions.
- e. Provide as-built topography for stormwater management basins, including 1' contours and a volume calculation table. Provide as-built overflow elevation survey data.
- f. Verify overflow swales and major drainage routes by comparing approved and existing spot evaluations.
- g. Denote locations of stubs for sewer service and b-boxes, including horizontal ties to at least two permanent features.
- h. The record drawing mylars must be signed and sealed by a Professional Engineer.
- i. The record drawings must be signed by a Professional Surveyor.
- j. Privately owned utility mains (sanitary sewer, storm sewer, water) connected to public utility mains must be clearly labeled at the connection on the Record Drawings together with a note stating: "Private utility mains shall not be maintained by the Village of Burr Ridge".
- k. The record drawings must include a signed Surface Water Drainage certificate.
(Added by Ordinance A-894-03-08)

D. Expiration and Extension of Subdivision Improvement Period

1. Request for Extension Prior to Expiration: If the subdivision improvements are not accepted by the Board of Trustees within the two (2) year improvement period the subdivider may apply for an extension of time to complete the subdivision improvements. If the subdivider fails to file such an application for extension of time prior to the expiration of the two (2) year improvement period, the Village shall be entitled to then draw the full amount of the letter of credit, and the Village may contract for completion of the improvements and payment of such costs.
2. Information Provided with Request for Extension: With the request for extension of the improvement period, the subdivider shall provide a list of all work that remains to be done, a description of the causes for failure to complete the work, a schedule for completing the work, a line item cost estimate for completing the work, and certification that all other subdivision improvements have been completed.
3. Fee for Extension of Improvement Period: As per Ordinance No. 339 of the Village of Burr Ridge, a fee for an extension of the improvement period shall be provided by the subdivider at the time of application for the extension.
4. Authority to Grant Extensions: The Board of Trustees shall have sole authority to grant extensions of the Subdivision Improvement Period.
5. Extension of Letter of Credit: The letter of credit guaranteeing completion of the subdivision improvements shall be extended for a length of time equal to the extension of the subdivision improvement period.
6. Extension of Subdivision Improvement Period: The Subdivision Improvement Agreement shall be extended for a length of time equal to the extension of the subdivision improvement period.
7. Standards for Approval of Extensions: The Board of Trustees may grant extensions of



the improvement period only for the minimum time needed to complete such improvements. Extensions shall not be granted if in the sole judgement of the Board of Trustees the subdivider has demonstrated a lack of ability or willingness to complete such improvements within a reasonable time period.

8. Failure to Request Extension or Denial of Extension: If the developer fails to properly request an extension or if an extension is denied as described herein, the Board of Trustees shall direct the Community Development Director and the Village Engineer to draw on the letter of credit in an amount sufficient to complete the outstanding work. The amount to be drawn shall be equal to 125% of the Village Engineer's estimate of the cost to complete the subdivision plus the amount required to guarantee maintenance of the subdivision improvements for the duration of the maintenance period.

E. Extension of Maintenance Period Equal to Extension of Improvement Period

Once the Owner or subdivider has applied for and received an extension of time to complete the land improvements, the two (2) year maintenance period shall be extended for an amount of time equal to the time needed to complete the subdivision improvements in addition to the time the actual date for the ending of the maintenance period is extended by virtue of the extension of time (e.g., if a subdivider or owner required a six month extension from December 1, 1991 to June 1, 1992, the maintenance period (not including the time to complete the subdivision improvements) would be extended to a two and one half (2 1/2) year period, with the result being that the maintenance period would be extended to December 1, 1994 by virtue of the six month extension of time and the six month increase in the term of the maintenance period).

F Extension of Subdivision Improvement Period for Completion of Street Paving, Parkway Paving and Sidewalks

1. Request for Extension: The Board of Trustees may, in its sole discretion and when recommended by the Village Engineer, determine that it is in the best interest of the Village to direct the Owner or subdivider to delay for a period of not more than two (2) years from acceptance by the Village of all other required subdivision improvements, the completion of the final bituminous surface course on those streets which may be adversely affected by construction traffic and the completion of sidewalks and parkway landscaping in front of private lots for which principal buildings have not yet been constructed. In the event that the Village grants or requires such extensions, all other subdivision improvements shall nevertheless be completed as required by this Section. There shall be no additional fee required for such required extensions and a separate maintenance period shall be established for such improvements as described below.
2. Extension of Letter of Credit: The subdivision letter of credit shall be extended for the length of the extended improvement period in an amount equal to 125% of the Village Engineer's approved estimate of cost for the final street paving, sidewalks, or parkway landscaping.
3. Separate Two-Year Maintenance Period: Upon completion of the final bituminous surface course, at the time directed by the Village, there shall be a separate two (2) year maintenance period; first, for the street paving, including the entire pavement, curb and gutter, and all drainage structures within the curb and gutter and the street, and second, for the parkway landscaping and sidewalks. Such subdivision improvements shall be constructed in substantial conformance with the plans and specifications approved by the Village at the time of approval of the final plat of subdivision. The separate maintenance period for the street paving, parkway landscaping, and sidewalks shall not begin until all required work associated with these improvements have been completed



and accepted by the Board of Trustees.

4. Completion of Final Street Paving, Parkway Landscaping, and Sidewalks: Under any circumstances, the final street paving, parkway landscaping, and sidewalks shall be completed prior to expiration of the maintenance period for the other subdivision improvements.

G. Acceptance of Streets

The approval of any plat of subdivision by the Board of Trustees and recording of such plat shall be a conveyance in fee simple of the public streets or thoroughfares of the premises platted as are marked or noted on such plat as donated or granted to the public. If any plat of subdivision contains public streets or thoroughfares which are dedicated as such, whether located within the corporate limits of the Village or all or in part outside thereof, or contains existing streets located outside of said corporate limits, the approval and recording of the plat by the Board of Trustees or the subsequent annexation of the property to the Village shall not constitute an acceptance of any subdivision improvement thereon or therein, irrespective of any act or acts by an officer, agent or employee of the Village with respect to such streets or subdivision improvements. The acceptance of such subdivision improvements shall be made only by the adoption of a resolution by the Board of Trustees, after the Village Engineer has certified that all subdivision improvements required to be constructed or installed in or upon such streets or thoroughfares, in connection with the approval of the plat of subdivision by the Board of Trustees, have been fully completed and the construction or installation thereof has been approved by the Village Engineer.

H. Two-Year Maintenance Period

1. Developer's Responsibility: For a minimum two-year period beginning upon acceptance of subdivision improvements by the Board of Trustees, the developer shall be responsible for all maintenance and repairs of all subdivision improvements.
2. Village Responsibility: If the subdivision improvements are not completed by the developer and the Board of Trustees directs the Community Development Director and Village Engineer to draw on the letter of credit and complete the subdivision improvements, the Board of Trustees may also direct the Community Development Director and Village Engineer to draw sufficient funds for maintenance of the improvements for the duration of the maintenance period. In any such circumstance, the amount of the letter of credit drawn for the maintenance period shall be equal to the amount that would otherwise be required herein.
3. Prompt Completion of Repairs and Maintenance: At any such time that the Community Development Director notifies the developer of needed repairs or maintenance, the developer shall complete such repairs in a timely manner, as determined by the Village Engineer or Community Development Director. In the event of an emergency situation or failure of the developer to respond in a timely manner, as determined by the Community Development Director, the Village shall



have the right, but not the duty, to proceed with the repairs or maintenance without further notice to the developer. In such event, the Community Development Director may draw on the letter of credit to cover the costs of the maintenance or repair work. The developer shall immediately amend the letter of credit to maintain the minimum security required for the duration of the maintenance period.

(Amended by Ordinance A-894-03-08)

4. **Start of Two-Year Maintenance Period:** A minimum two-year maintenance period shall begin on the date of acceptance of the subdivision improvements by the Board of Trustees.
 5. **Maintenance Letter of Credit:** Acceptance of the subdivision improvements shall include authorization to reduce the letter of credit commensurate with the improvements that have been accepted. If only some of the subdivision improvements are accepted, the letter of credit shall be reduced only to the extent that is equal to the accepted improvements. Under any circumstances, the amount of the letter of credit shall be maintained equal to 125% of the subdivision improvements not yet accepted plus 10% of the subdivision improvements that have been accepted. Upon acceptance of subdivision improvements, the letter of credit shall be extended for the full length of the maintenance period.
 6. **Final Inspections for Maintenance Period:** The Village Engineer and Village Forester shall conduct final inspections of all subdivision improvements prior to expiration of the maintenance period and provide to the subdivider a detailed list of repairs required. The maintenance letter of credit shall be retained and extended as needed until such time that the subdivider shall conduct all such repairs.
- I. **Issuance of Building Permits Upon Substantial Completion of Improvements:** Except for model units described herein, no building permits shall be issued for any buildings on private lots in a subdivision until such time that the Village Engineer certifies that the subdivision improvements are substantially complete. Substantial completion shall mean completion and testing of all utilities, completion of all stormwater management facilities, rough grading and the stabilization of soil, and completion of all streets except the final bituminous surface course. (Amended by Ordinance A-894-03-08)
- J. **Issuance of Building Permits for Model Homes:** Upon recording of the final plat of subdivision, building permits for a maximum of two model homes may be issued subject to the following conditions:
1. The number of model homes shall not exceed two for any subdivision.
 2. Model homes shall be located on lots with frontage and access to an existing street and with access to existing public sanitary sewer and water mains.
 3. Off-street parking shall be provided in a manner that will maximize the convenience and safety of visitors to the model homes without creating congestion or related problems on adjacent streets.



4. Authorization to construct model homes shall be subject to the review and approval of the Board of Trustees. The subdivider should make such a request at the time of final plat approval.
 5. A Building Certificate of Occupancy for a model home may be issued upon compliance with the Village of Burr Ridge Building Ordinance, No. 860; upon completion of all required parking and access facilities; and upon connection to public sanitary sewer and water mains.
- K. Occupancy Upon Completion of Subdivision Improvements: Except for model homes as regulated above, no occupancy permit shall be granted by any governing official for the use of any building or structure within a subdivision subject to this ordinance until the subdivision improvements have been accepted by Resolution of the Board of Trustees or all of the following conditions exist:
1. All subdivision improvements required by this ordinance, except for the final street surface, parkway landscaping and sidewalks adjacent to unimproved lots, have been completed according to the approved final engineering plans and specifications. Street lighting and signs shall be erected and operational prior to issuance of a Certificate of Occupancy.
 2. All fees and expenses in connection with the subdivision, and all fees due at the time of application for the occupancy permit, have been paid.
 3. The security required by this ordinance for completion and maintenance of the subdivision improvements remains in force and in a sufficient amount.
 4. The Board of Trustees has by motion or resolution determined the foregoing conditions to be satisfied and authorized the issuance of occupancy permits for the subdivision. The approval by the Trustees under this section or the issuance of any occupancy permits shall not constitute acceptance of the improvements by the Village.
- L. Recapture of Costs for Oversized Subdivision Improvements: Where installation of subdivision improvements of larger capacity than required to serve only the subdivision as delineated in the preliminary plat is required by the Board of Trustees to serve future growth in the vicinity of the subdivision, the subdivider may be required by the Board of Trustees to pay for such oversizing subject to such methods of proportionate reimbursement as provided by law, ordinance, or agreement. Any agreement by the Village to collect such costs from other property owners shall be established within 180 days after the acceptance of said improvements by the Board of Trustees. Failure by a developer to provide necessary documentation certifying costs and enabling the establishment of a recapture agreement within 180 days after the acceptance of said improvements by the Board of Trustees shall be considered a waiver of the right to recapture said costs. (Added by Ord. A-894-02-03)